

Remarks

The application has been reviewed in light of the Office action of October 9, 2003. By the foregoing Amendment, claims 1, 3, 5-6, and 9-15 are amended, and claims 8, and 16-17 are cancelled. New claims 18-22 are added. No new matter is introduced by the Amendment.

The Examiner has objected the specification because of certain informalities. Applicant respectfully submits that the informalities have been corrected by the foregoing Amendment.

The Examiner has rejected claims 1-7 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully submits that claims 1-7 as amended are now in the form satisfying the requirement under 35 U.S.C. 112, second paragraph.

The Examiner has rejected claims 16 and 17 under 35 U.S.C. 102 as being anticipated by Matthai et al. (U.S. Patent No. 5,468,247). Claims 16 and 17 have been cancelled without prejudice.

The Examiner has rejected claims 1-3 and 8-11 under 35 U.S.C. 103(a) as being unpatentable over DE 29916113 in view of Farden.

Claim 8 has been cancelled by the Amendment. Claims 9-11 have been amended and are now dependent on newly added claim 18. It is respectfully submitted that claims 9-11 are now patentable at least for the reason that new claim 18 is patentable as will be discussed below. Claims 1-3 as amended are believed to be patentable by the reasons discussed below.

DE 29916113 discloses a working tool member having a working section at one end thereof and having at least two holding sections at another end thereof, the holding sections being configured as oblong holes. It further discloses a holder member which mounts the working tool member thereto.

However, as the Examiner acknowledged, DE 29916113 fails to disclose a plurality of securing elements for mounting the working tool member to the holder member. In particular, DE 29916113 fails to disclose or teach: (i) that a plurality of securing elements are attached releasably to the main body and the mounting plate; and, (ii) that the plurality of securing elements extend through the holding sections for clamping said working element between said main body and said mounting plate, as respectively required by the claims 1-3 of the invention.

Farden discloses a portable peeling apparatus including a cutting tool blade, and a plurality of mounting members for attaching the tool blade to the mounting members. However, similar to DE 29916113 discussed above, Farden fails to disclose or teach that the plurality of securing elements extend through the holding sections, which are configured as oblong holes opening toward the outer edge, for clamping said working element (i.e., tool blade 10), as required by the claims 1-3 of the invention. In Farden, plural mounting holes of the tool blade 10 are neither oblong holes nor opened toward the outer edge.

Accordingly, DE 29916113 and Farden, either alone or in combination, do not disclose or teach each and every limitation of claims 1-3 of the invention. Therefore, claims 1-3 as amended are believed to be patentable over the references.

The Examiner has rejected claims 7 and 15 under 35 U.S.C. 103(a) as being unpatentable over DE 29916113 in view of Farden and further in view of Matthai et al.

Claim 7 is dependent on claim 1 as amended, and thus, is patentable at least for the reason claim 1 is patentable as discussed above. Claim 15 is amended and now

dependent on claim 13 which has been amended in accordance with the Examiner's suggestion to overcome the rejection as will be discussed herein below. Therefore, claim 15 is now patentable.

The Examiner has rejected claims 4, 6, 12 and 14 under 35 U.S.C. 103(a) as being unpatentable over DE 29916113 in view of Farden and further in view of Yeargin.

Claim 4 is dependent on claim 1 as amended, and thus, is patentable at least for the reason claim 1 is patentable as discussed above. Claim 6 is amended and now dependent on claim 5 which has been amended in accordance with the Examiner's suggestion to overcome the rejection as will be discussed herein below. Therefore, claim 6 is now patentable. Claim 12 is amended and now dependent on newly added claim 18. It is respectfully submitted that claim 12 is now patentable at least for the reason that new claim 18 is patentable as will be discussed below. Claim 14 is amended and now dependent on claim 13 which has been amended in accordance with the Examiner's suggestion to overcome the rejection as will be discussed herein below.

Applicant gratefully appreciates the Examiner's indication of allowability on claims 5 and 13 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claims 5 and 13 have been amended according to the Examiner's suggestion.

New claim 18 has been added by the Amendment. It is respectfully submitted that claim 18 is patentably distinct over the cited references such as DE 29916113, Farden (U.S. Patent No. 4,286,383) and Matthai et al. (U.S. Patent No. 5,468,247).

Claim 18 is directed primarily to a power tool which comprises an oscillating drive for exerting an oscillatory pivot motion about a longitudinal axis of a drive shaft. A holder is attached to the drive shaft and allows to attach a working element releasably to the holder so that the working element may exert a pivotal oscillatory motion about the longitudinal axis of the drive shaft. As such, claim 18 specifically requires, among other

limitations: an oscillatory drive for oscillatingly driving a drive shaft about a longitudinal axis of the drive shaft; a working element having a working section and at least two holding sections, the holding sections configured as oblong holes and opening toward an outer edge; and, a plurality of securing elements attached releasably to the main body and the mounting plate, and extending through said holding sections for clamping said working element.

As discussed above, DE 29916113 discloses a working tool member having a working section and at least two holding sections, the holding sections being configured as oblong holes. It further discloses a holder member which mounts the working tool member thereto.

However, as the Examiner acknowledged, DE 29916113 fails to disclose a plurality of securing elements for mounting the working tool member to the holder member. Moreover, DE 29916113 fails to disclose or suggest a power tool comprising an oscillatory drive for oscillatingly driving a drive shaft about a longitudinal axis of the drive shaft. FIG. 1 of DE 29916113 shows that the central axis of the gear head and the central axis of the attachment part attached thereto are spaced from each other. Therefore, it is clear that DE 29916113 is directed to a power tool which exerts an *eccentric motion* on the knife attached thereto. This type of drive is known in the art as an eccentric or orbital drive, and is completely different from the oscillatory drive of the invention which exerts a pivotal oscillatory motion about the longitudinal axis of the drive shaft.

Similar to DE 29916113, Farden also utilizes an eccentric drive which exerts an eccentric or orbital motion onto the working element. Therefore, it is respectfully submitted that Farden is not related to an oscillatory drive of the claimed invention as recited.

Among the cited references, the only one disclosing a power tool which comprises an oscillatory drive exerting a pivotal motion of the working element about a longitudinal axis of the drive is Matthai et al. However, Matthai et al. fail to disclose securing elements attached releasably to the main body of the holder and extending through the holding sections of the working element for clamping a working element between the main body and the mounting plate of the holder. By contrast, according to Matthai et al. apart from some kinds of securing elements 70, 71 there is a separate blade holddown screw 32 (see FIG. 10 and column 3, lines 19 through 28) necessary for attachment of the working element to the main body of the holder. In addition, Matthai et al. does not disclose the holding sections configured as oblong holes and opening toward an outer edge as required by the claimed invention.

Accordingly, it is respectfully submitted that the power tool according to claim 18 is not only new but also inventive in view of the cited prior art, and is patentably distinct there-over.

New claims 19-22 have been added by the Amendment. It is respectfully submitted that claims 19-22 are patentably distinct over the cited references such as DE 29916113, Farden (U.S. Patent No. 4,286,383) and Matthai et al. (U.S. Patent No. 5,468,247).

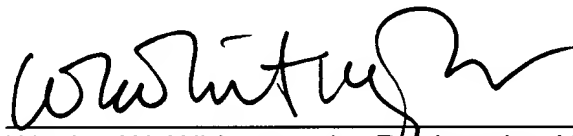
Claims 19-22 are directed to a tool for use with an oscillatory drive for driving the tool in an oscillating manner, and specifically require, among other limitations, a working element having a working section for providing an oscillating motion in response to the oscillating movement of the oscillatory drive, and having at least two holding sections, the holding sections being configured as oblong holes arranged spaced apart from each other and opening toward an outer edge of the holding sections; and, a plurality of securing elements attached releasably to the main body and the mounting plate, and extending through said holding sections for clamping said working element.

As discussed above, DE 29916113 and Farden are directed to a different type of tool utilizing an eccentric drive, and fail to disclose or teach the working section for providing an oscillating motion in response to the oscillating movement of the oscillatory drive, as required by the claims of the invention. Matthai et al. fail to disclose or teach the securing elements attached releasably to the main body of the holder and extending through the holding sections of the working element configured as oblong holes and opening toward an outer edge for clamping a working element between the main body and the mounting plate of the holder, as required by the claims of the invention.

Accordingly, it is respectfully submitted that claims 19-22 are patentably distinct over the cited references.

For the foregoing reasons, it is respectfully submitted that all pending claims, namely claims 1-7, 9-15, and 18-22 are patentable over the references of record, and earnestly solicit allowance of the same.

Respectfully submitted,



Wesley W. Whitmyer, Jr., Registration No. 33,558
Hyun Jong Park, Limited Recognition
Attorneys for Applicant
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155